

PATENT  
Attorney Docket No. 101.0052-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Gary Karlin Michelson )  
Serial No: 09/412,082 )  
Filed: October 4, 1999 )  
For: METHOD FOR INSERTING )  
INTERBODY SPINAL FUSION )  
IMPLANTS (as amended) )

Confirmation No.: 9192

Group Art Unit: 3772

Examiner: Michael A. Brown

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JUL 12 2007

OFFICE OF PETITIONS

MS 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION TO WITHDRAW FROM ISSUE**  
**UNDER 37 C.F.R. 1.313(C)**

Applicant hereby petitions for the withdrawal of this application from issue. The issue fee for this case was paid on May 9, 2007.

The reason for the request for withdrawal from issue is to permit consideration of a Request for Continued Examination (RCE) in compliance with 37 CFR § 1.114.

The petition fee in the amount of \$130.00 (37 C.F.R. 1.17(h)) is submitted herewith. If there are any additional fees due in connection with the filing of this Petition, please charge the fee to our Deposit Account 50-3726.

Respectfully submitted,

MARTIN &amp; FERRARO LLP

Date: July 12, 2007

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Plines Street, NE  
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**FACSIMILE TRANSMITTAL**

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**TO:****FROM:****Name:** Office of Petitions/MS 313(c)**Name:** Thomas H. Martin, Esq.**Firm:** U.S. Patent & Trademark Office**Phone No.:** 330-877-2277**Fax No.:** 571-273-0025**No. of Pages (including this):** 37**Subject:** U.S. Patent Application No. 09/412,082**Date:** July 12, 2007

Gary Karlin Michelson

Filed: October 4, 1999

METHOD FOR INSERTING INTERBODY

SPINAL FUSION IMPLANTS (as amended)

Attorney Docket No. 101.0052-01000

Customer No. 22882

Confirmation No. 9192

**Confirmation Copy to Follow: NO**

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$920 total amount to cover the \$130 Petition fee and \$790 RCE fee is to be charged to Deposit Account No. 50-1068), Petition to Withdraw from Issue, Request for Continued Examination (RCE), and Amendment with 1 annotated sheet, 1 replacement sheet, and 9 new sheets of drawings are being facsimile transmitted to the U.S. Patent and Trademark Office on July 12, 2007.

  
Sandra L. Blackmon

If there is a problem with this transmission please call the sender at the number above.

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FORM PTO-1083

Attorney Docket No.: 101.0052-01000  
Customer No. 22882

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Confirmation No.: 9192  
 Group Art Unit: 3772  
 Examiner: Michael Brown

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OFFICE OF PETITIONS

Mail Stop 313(c)  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Petition to Withdraw from Issue Under 37 C.F.R. § 1.313(c) in the above-identified application.

- ☐ No additional fee is required.  
☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.  
☒ A Request for Continued Examination (RCE) and Amendment are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	21	-	21	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180		\$ 0
TOTAL							\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$920.00 to cover the \$130 Petition fee and \$790 RCE fee is to be charged to Deposit Account No. 50-3726.  
☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.  
☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims  
☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: July 12, 2007

By:

*Thomas H. Martin*  
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 Registration No. 34,383

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